



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 20, 2005

Mr. Mark Davidson
Design Consultants Group, LLC
18072 Davidson Drive
Milton, DE 19968

RE: PLUS 2005-05-09, Captain's Run

Dear Mr. Davidson,

Thank you for meeting with State agency planners on July 6, 2005 to discuss the proposed plans for the Captain's Run project to be located on Route 16, east of SCR 226 in Sussex County. According to the information received, you are seeking to construct 494 residential units in the Level 4 area.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is outside of a designated growth area in the relevant certified county and municipal comprehensive plans. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. **Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.**

State Strategies/Project Location

- This project is proposed for an Investment Level 4 area according to the 2004 *Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant municipal and county certified Comprehensive Plans. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas.

Natural and Cultural Resources

- This development could have adverse effects on several archaeological sites.
- There is concern about the cumulative negative impacts that this and other proposed development along the North Prong headwaters and associated tributaries will have on Sowbridge Branch, North Prong, Reynolds Pond, Ingram Branch, Primehook Creek and adjoining water bodies.
- Most of the proposed construction area falls within an excellent groundwater recharge area (see attached map).
- This project impacts all three layers of the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61.
- As proposed, this project would remove and fragment forest that is part of a large contiguous forest tract and may reduce the habitat value of the entire forest stretch.
- Portions of the parcel along Sowbridge Branch are mapped as State Resource Areas and critical natural areas.

Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090

This project represents a major land development that will result in 494 residential units in an Investment Level 4 area according to the 2004 *Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant municipal and county certified comprehensive plans. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring more than 1,200 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development

is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases. Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

State Historic Preservation Office – Contact Alice Guerrant 739-5685

SHPO opposes this development in the Level 4 area. Development will adversely affect the historic agricultural landscape and neighboring historic properties through destruction, loss of setting and the introduction of noise and visual effects. Development could have adverse effects on several archaeological sites. The site includes or is immediately adjacent to a historic cemetery (S-3418). There are areas of high and medium potential for prehistoric-period archaeological sites. Beers Atlas of 1868 shows the H. Lofland House and the T. Donevan House within the site, and there may be historic-period archaeological remains associated with these farms.

If this development proceeds, the applicant should consult with this office well ahead of the construction schedule. They may need to hire an archaeological consultant to delineate the historic cemetery and avoid any disturbance to human remains. Should human remains be disturbed by construction activities, provisions of the State's Unmarked Human Remains Act would take effect, and there could be significant delays while notification and recovery procedures take place. The contact person, Faye Stocum would be happy to discuss the best ways to approach this.

SHPO recommends appropriate landscaping around the development to block the view of the development from any remaining historic houses and requests the opportunity to check for other archaeological sites to learn something about their character before any construction takes place.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Cascade Properties LLC seeks to develop 494 single-family detached houses on 249.21 acres of an approximately 258.64-acre assemblage of parcels (Tax Parcels 2-35-6.00-12.00, 2-35-5.00-5.00 and 2-35-13.00-1.00, 1.01 and 2.00) on the north side of Delaware Route 16 and the south side of Reynolds Pond Road (Sussex Road 231) between Ellendale and Milton. The other 9.43 acres are reserved for future development along Route 16. The land is zoned AR-1 in Sussex County and it would be developed under the AR-1 cluster option. This project is known to DelDOT as the Tisher / Hudson development. Presently a traffic impact study is in process for both the residential development being reviewed here and a commercial development that would be developed along Route 16.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies for State Policies and Spending* have deemed the type of development being proposed inappropriate for this area. As part of its commitment to support the *Strategies*, DelDOT refrains from participating in the cost

of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. DelDOT encourages the use of transfer of development rights where this growth management tool is available. If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-9071

Investment Level 4 Policy Statement

This project is proposed for a Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. The use of transfer of development rights is encouraged where this growth management tool is available.

This particular development certainly compromises the integrity of the *Strategies* and the preservation goals inherent in many of DNREC's programs. Of particular concern are: the project impacts all three layers of the Green Infrastructure map (cropland, forest, and

natural resources), the loss/fragmentation of 90 out of 135 acres of forest, and the project's proximity to an excellent recharge area. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with the *Strategies for State Policies and Spending*.

General Comment

In addition to this project, there have been four PLUS reviewed subdivisions along the North Prong headwaters and associated tributaries since August 2004: 2005-04-02 Sandstone, 2005-01-08 Hayfield, 2005-05-14 Isaacs Glen, 2004-08-15 Abbey Estates. The approval of these developments will add an additional 2,505 homes along North Prong. The presence of these residential units will bring negative cumulative impacts to Sowbridge Branch, North Prong, Reynolds Pond, Ingram Branch, Primehook Creek and adjoining waterbodies.

Green Infrastructure

Portions or all of the lands associated with this proposal are within the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61 that represents a network of ecologically important natural resource lands of special state conservation interest. Green infrastructure is defined as Delaware's natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value. Preserving Delaware's Green Infrastructure network will support and enhance biodiversity and functional ecosystems, protect native plant and animal species, improve air and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster ecotourism. Voluntary stewardship by private landowners is essential to green infrastructure conservation in Delaware, since approximately 80 percent of the State's land base is in private hands. It is in that spirit of stewardship that the Department appeals to the landowner and development team to protect sensitive resources through an appropriate site design.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands in this parcel. A wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process. PLUS materials indicate that there will not be direct impacts to these wetlands through construction activities; however, secondary impacts of construction could be detrimental to the health of these wetlands. Site plans do indicate that a road crossing will run through the stream on site.

Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the Subaqueous Land Section from DNREC Division of Water Resources and the Army Corps of Engineers.

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

The Farm Service Agency (FSA) should be contacted to confirm whether any of the farmed acreage on this parcel is considered jurisdictional.

Wetland Permitting Information

If wetland impacts are considered, please note that impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, Clean Delaware, Inc., a Groundwater Management Zone B site is close to tax map number 2-35-6-12. Should you have any questions concerning these comments, please contact Rick Rios at (302)739-3665.

Total Maximum Daily Loads (TMDL's)

The Watershed Assessment Section considers development in Level 4 areas or areas outside of designated growth zones, as scattered poorly-planned uncontrolled growth that threaten Delaware's quality of life and its environment. Of particular concern is how this uncontrolled growth is likely to increase nutrient runoff and hamper the State's ability to meet the nutrient reductions prescribed under the federally mandated Total Maximum Daily Load (TMDL) load program. Given these concerns and objections for building in Level 4 areas, the following comments are not intended to be construed as tacit approval for this project but rather demonstrate what the Section believes are minimally acceptable regulatory guidelines and/or recommendations to mitigate some of the expected environmental impacts.

Although TMDLs for the Broadkill watershed are not scheduled for completion until 2006, it is still possible that they may be legally applicable to this project. Given the project's scale with little or no proposed environmental safeguards (BMPs), significantly reduces the possibility of meeting future TMDL requirements.

The inclusion of stormwater management and/or wastewater treatment areas in open space calculations may underestimate nutrient loading rates. In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones, Watershed Assessment Section can be contacted at (302) 739-4590 for further information regarding acceptable protocol for calculating a nutrient budget.

Impervious Cover

The applicant should reduce imperviousness to the greatest degree practicable. Use of pervious paving materials in lieu of asphalt or concrete and planting trees, are examples of practical ways the applicant could help reduce surface imperviousness on this parcel. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that most of the proposed construction area falls within an area of excellent ground-water recharge (see attached map). According to the State law that created the Source Water Protection Program, county and municipal governments with more than 2,000 residents will be required to enact ordinances to protect Water Resource Protection Areas. Municipalities with fewer than 2,000 residents are encouraged to enact such ordinances. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances may not yet be in place, the developer may find the language useful in modifying the site plan to protect water resources.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize

loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPA's.

New development in WRPA's may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis. Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

For more information, refer to:

Source Water Protection Guidance Manual for the Local Governments of Delaware at

<http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>

and

Ground-Water Recharge Design Methodology at

http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

Drainage

The Drainage Section requests all existing ditches on the property be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

The Drainage Section strongly recommends any drainage conveyance between two parcels within a subdivision be dedicated as a drainage easement and such easement be designated as passive open space, not owned by individual landowners. The easement should be of sufficient width to allow for future drainage maintenance as described below.

- Along an open ditch or swale, the Drainage Section recommends a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance.

Grasses, forbs and sedges planted within these zones should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.

- Along a stormwater pipe the Drainage Section recommends a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.

The Drainage Section recommends any drainage/utility easement owned by an individual landowner should not have structures, decks, buildings, sheds, kennels, fences or trees within the drainage easement to allow for future drainage maintenance.

Floodplains

Portions of the property are within the 100-year floodplain. Recommend that buildings be limited to areas outside the floodplain and above the base flood elevation. Filling within the floodplain must be in accordance with applicable floodplain regulations.

Forests

According to 2002 aerial photos there is a forested area in parcel. PLUS materials indicate that 89.75 acres will be removed. This forest tract is extremely beneficial to the region as it is connected to a larger tract of forest mapped by the Livable Delaware Green Infrastructure Committee as "Forests". Large contiguous stretches of forest like this not only provide important water and air quality benefits, but provide important habitat for many wildlife species that depend on interior forest. Clearing portions of the forest within the parcel may reduce the habitat value of the entire forest stretch.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas. Reforestation of the open space areas in the parcel is strongly recommended both to increase the buffer zone to the forest and to decrease long term maintenance costs for the homeowners association.

Open Space

PLUS materials indicate that 116.47 acres are proposed for open space. In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface

water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Site Visit Request

Based on review of topographic maps, aerial photographs, and because the Delaware Natural Heritage Program staff have not visited the site previously, the DNHP botanist requests the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. His observations would allow them to make more informed comments on this project and would allow the applicant the opportunity to reduce potential impacts to rare species. Please contact Bill McAvoy at (302) 653-2880 to set up a site visit.

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

State Resource Areas/Natural Areas Inventory

Portions of the parcel around Sowbridge Branch are mapped as critical natural areas and State Resource Areas. These areas include lands held in conservation by various groups as well as lands targeted for conservation and preservation efforts. These areas are thought to have particular conservation value. The wetlands and woodlands along this tract provide valuable wildlife corridors connecting to vast areas of conservation land. In light of this designation, the developer is strongly encouraged to provide 100-foot buffers from the stream edge. This buffer should encompass the existing forest and should not include lot lines or stormwater management ponds.

Underground Storage Tanks

There are two inactive LUST site(s) located near the proposed project:

DelDOT Ellendale, Facility # 5-000411, Project # S9307136

Hebert's Gas Station, Facility # 5-000252, Project # S9310189

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Treatment)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in

case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Reynolds Pond Road and Milton-Ellendale Road must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded www.delawarestatefiremarshal.com.

Department of Agriculture - Contact Milton Melendez 698-4500

The Delaware Department of Agriculture opposes the Captains Run Application due to the project's proximity to properties that have high agricultural value. The Department of Agriculture encourages the use of this property to be consistent with that of the surrounding agricultural parcels. The project is also located on a designated Level 4 area, on which the State of Delaware promotes agricultural and natural resource preservation.

The Delaware Forest Service in cooperation with the Office of State Planning recognizes that this proposed development falls within a Level 4 Area. As defined, a Level 4 area is one least likely to receive any state monies to support the need infrastructure to sustain

this proposed community. The Delaware Forest Service reserves the right to comment on this development at this time for the following reasons: the proposed subdivision falls within high value agricultural and forestry lands that are targeted by the state for future preservation activities. In addition, it falls within existing preserved lands under management by the Delaware Forest Service. This proposed development may hinder future management activities. The Delaware Forest Service encourages the developer to seek another use for this site that is supportive of the agriculture resources found in and around this site. The Delaware Forest Service offers its assistance to develop these new uses, to learn more please contact our offices at (302) 349-5754.

Public Service Commission - Contact Andrea Maucher 739-4247

For water and wastewater, the PLUS application notes "Tidewater Utilities". However the site is not within a certificated service area. Tidewater will need to apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Sussex County - Contact Richard Kautz 855-7820

If the proposed waste water treatment plant cannot be relocated within the project, measures should be taken to guarantee that there will be no noise, odor, sound or visual impact on adjacent property. This fiscal year Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected. Any well location should insure that the wellhead protection area is entirely on site.

Because this project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. Also, the developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C). These issues can be addressed by including in the application an explanation of how the developer plans to mitigate the issues raised by the State agencies.

July 20, 2005

The project proposes to develop using a private central community wastewater system. Sussex County recommends that the wastewater system be operated under a long-term contract with a capable wastewater utility. In addition, they recommend they have a wastewater utility provider prior to approving the project. The proposed project is located outside of the Inland Bays Planning area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required and plan review fees may apply. Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots. If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or homeowners association expense. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at (302)739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: Sussex County